IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6759 OF 2005

Smt.Godawaribai S.Chavhan
Through her power Attorney
Mrs.Chandralekha C.Banbheru .. Petitioner

Vs.

Shri Hari Narayan Narsingdas Rathi
deceased through legal heirs
1(a) Prashant H.Rathi and Ors. .. Respondents

Mr.H.R.Pawar for the petitioner

Mr.V.S.Kapse for respondent no.2(1) to (13)

CORAM : S.U.KAMDAR, J
DATED : 22ND DECEMBER, 2005

P.C.:

1. The present petition is challenging an order dt.25.7.05 whereby the appointment of Commissioner is refused. It is the case of the petitioner that the Commissioner should be appointed to ascertain whether the decree is passed in respect of Gram Panchayat House no.28 and not the Gram Panchayat house no. 27(B). I am of the opinion that for the said reasons Commissioner is not required to be appointed. Petitioner has to produce his own documents to establish Gram

Panchayat House number.

2. The learned counsel for the petitioner states that Commissioner is appointed to ascertain the nature of construction. Even for that purpose appointment of Commissioner is not necessary. Order passed by trial court is interlocutory in nature and does not require interference under article 227 of the Constitution of India. Petition is dismissed accordingly. No order as to costs.